

Appl. No. 09/367,666
Amdt. dated August 18, 2005
Reply to Office Action of April 19, 2005

PATENT

REMARKS/ARGUMENTS

Claims 1-10 were originally filed in this application. In this response, claims 1, 6, 9 and 10 have been amended, claims 3 and 4 deleted and claims 11 and 12 added. Accordingly, claims 1, 2 and 5-12 are pending. Support for the amendment to claim 6 can be found at lines 23-24 of page 2 of the PCT application. Therefore, it is respectfully submitted that no new matter has been added.

Applicant notes with appreciation that claims 3 and 5 are deemed to be directed to allowable subject matter.

Applicant submits herewith a new Application Data Sheet that identifies the Australian patent application from the present application claims priority.

Claims 1-10 stand rejected to under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

It is respectfully submitted that claim 1 is clear in its recitation of "*movement of the first and second surface relative to each other.*" As currently worded, the recitation aligns with the disclosure on line 26 of page 1, and lines 19-20 of page 5 of the PCT application. There is no difference between the phrase "*movement of the first and second surface relative to each other*" and relative movement of the first and second surface.

Claim 6 has been corrected such that the term 'movement' is replaced with 'relative movement' to align the claim with the disclosure.

Applicant respectfully submits that claim 10 refers to "the outer surface of the outer cylinder" and not "the outer surface of the inner outer cylinder" as stated by the Examiner in paragraph 5 of the office action.

Accordingly, applicant respectfully submits that all claims fully comply with 35 U.S.C. §112 and therefore, applicant respectfully requests withdrawal of the rejection.

Claims 1, 2, 4, and 6 to 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 3,070,108 to Fischer (referred to below as "Fischer").

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Claim 1 of the present invention has been amended to include the allowable subject matter of claim 3. New claim 11 has been added that includes the subject matter of claim 1 and the allowable subject matter of claim 5. New claim 12 recites the feature of claim 4.

Accordingly, it is respectfully submitted that claims 1 and 11 are allowable.

Claims 2 and 5-10 depend on claim 1 and therefore, they are allowable for at least the reasons claim 1 is allowable. Claim 12 depends on claim 11 and therefore, it is allowable for at least the reasons claim 1 is allowable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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